

# **TOWN OF CARVER CORI & SORI POLICY**

*Select Board approved on 9/3/19*

As a part of its on-going commitment to providing a safe and appropriate environment for its community, the Human Resources Coordinator will review CORI & SORI on all individuals, who may have direct and unmonitored contact with minors or elderly. In accordance with all applicable federal and state laws and regulations regarding Criminal Offender Record Information ("CORI"), Sex Offender Registry Information ("SORI") and Criminal History Record Information the Town of Carver shall conduct individual CORI & SORI checks before an applicant or volunteer is hired and otherwise provides services and periodically, at least one every 3 years.

The Human Resource Coordinator or their certified designees shall obtain all CORI & SORI information from the Department of Criminal Justice Information Services ("DCJIS") and the Department of Justice Sex Offender Registry Board ("SORB") on all current employees and prospective individuals who may have direct and unmonitored contact with minors or elderly,\* which includes, but not limited to, the following:

- Employees and applicants for employment, including promotions;
- Volunteers and interns'
- Individuals who regularly provide transportation to minors and elderly;
- Subcontractors or laborers commissioned by the Town of Carver or employed by the Town to perform work on town property or with minors or elderly; or
- Any other individuals who may have direct and unmonitored contact with minors or elderly.

Any review of Criminal Offender Record Information ("CORI") available through the Department of Criminal Justice Information Services ("DCJIS") will follow procedures and requirements established by the DCJIS, as authorized by M.G.L., c 71, § 38R and 42 U.S.C., § 16962 in accordance with all applicable state and federal laws and regulations, and in compliance with Mass. Gen. Law, c.6, §§ 167-18 and 803 CMR §§ 2.0

Any review of Sex Offender Registry Information ("SORI") available through the National Sex Offender Registry online system will follow procedures and requirements established by the MA Sex Offender Registry Board and in accordance with M.G.L. c 6, §178C-P and 803 CMR 1.

When requesting CORI, SORI and other criminal history information, the following policy and procedures should be followed:

### **1. Requests for CORI-SORI**

The individual will be asked to complete a CORI & SORI Acknowledgement Form and the Town/requesting agency will confirm the individual's identity. The Individual must provide the requested forms of identification.

### **2. CORI-SORI Training**

All CORI & SORI information must be treated as confidential. An informed review of a criminal record requires training. All staff authorized to conduct CORI & SORI checks and/or to review CORI & SORI will review and become familiar with, the educational and relevant training materials regarding CORI & SORI.

Staff authorized to review CORI & SORI records include: Town Administrator, Human Resources Coordinator, Police Chief, Council on Aging Director, Library Director, Operations and Maintenance Director & Operations and Maintenance Deputy Director.

### **3. Storage of CORI & SORI**

CORI & SORI records shall only be stored for seven (7) years or for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical and physical safeguards that are in compliance with the most recent CJIS Security Policy have been implemented to ensure the security and confidentiality of CORI & SORI. The CJIS & SORI Security Policy can be found at <http://www.mass.gov/eopss/law-enforce-and-cj/cjis-security-policy.html>. Each individual involved in the handling of CORI & SORI is to familiarize him/herself with these safeguards.

In addition to the above, each individual involved in the handling of CORI & SORI will strictly adhere to the policy on the storage, retention and destruction of CORI & SORI.

### **4. Retention and Destruction of CORI-SORI/CHRI**

CORI & SORI will be kept for the above purposes in separate, secured, locked locations in Town Hall.

When no longer needed, CORI & SORI and any summary of CORI & SORI data must be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. If the shredding of paper copies of CORI & SORI is performed by an outside vendor, an employee of the Town of Carver must supervise such shredding.

### **5. Use of Criminal History in Background Screening.**

Information from CORI & SORI records used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied and for current employees during periodic criminal background checks.

Unless otherwise provided by law, a criminal record will not automatically disqualify an individual from employment, contract work, volunteering or interning. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

#### **6. Verifying a Subject's Identity.**

If a criminal record is received from DCJIS and SORB, the information must be closely compared with the information on the Acknowledgement Form and any other identifying information provided by the applicant to ensure record belongs to the applicant.

If the information in the CORI & SORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI & SORI record and documents provided by the applicant.

#### **7. Inquiring About Criminal History**

In connection with any decision regarding employment, internships or volunteer opportunities within the Town of Carver, the individual shall be provided with a copy of his/her criminal history record, whether obtained from DCJIS, SORB or from any other sources prior to questioning the individual about his/her criminal history. The source(s) of the criminal history record is also to be disclosed to the individual.

#### **8. Determining Suitability**

If a determination is made, based on information as provided in section 6 of this policy, that the criminal records belongs to the individual under consideration, and the individual does not dispute the record's accuracy within the specified amount of time, then the determination of suitability for the position will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not limited to the following:

- Relevance of the record to the position sought;
- The nature of the position or work to be performed;
- Time that has passed since the (offense) conviction and/or completion of the sentence;
- Age of the applicant at the time of the offense;
- Seriousness and specific circumstances of the offense;
- The number of offenses;
- Whether the applicant has pending charges;
- Any relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information, including information submitted by the applicant or requested by the organization;
- Cannot account for misdemeanors older than 3 years.

The applicant is to be notified of the decision and the basis for it in a timely manner.

A record of the suitability determination must be retained for the period of the employee's employment or for seven (7) years, whichever is longer. The following

information will be included in the determination:

- The name and date of birth of the employee or applicant; and
- The suitability determination

A copy of the individual's suitability determination documentation must be provided to the individual, upon the request of the individual for whom the Town/requesting agency conducted a suitability determination.

#### 9. **Adverse Decisions Based on CORI & SORI**

If an authorized official is inclined to make an adverse decision based on the results of a CORI &/or SORI, the following steps must be taken immediately prior to making a final adverse determination:

- Provide the applicant/employee with a copy of her/her CORI &/or SORI used in making the adverse decision;
- Provide the applicant/employee a copy of the Town's CORI & SORI policy;
- Identify the information in the individual's CORI &/or SORI that is the basis for the potential determination;
- Provide the source(s) of the criminal history; and
- Provide the applicant/employee the opportunity to complete or challenge the accuracy of his/her CORI &/or SORI

A final adverse decision based on an individual's CORI & SORI will not be made until the applicant/employee has been afforded a reasonable time depending on the particular circumstances no longer than 30 days to correct the CORI & SORI.

*\* Direct and unmonitored contact with minors and elderly is defined as contact when no other employee for whom the Town has made a suitability determination is present. "Contact" refers to any contact that provides the individual with opportunity for physical touch or personal communication. A minor is defined as being under the age of 18 and elderly is defined as being age 65 or over.*